

115TH CONGRESS
1ST SESSION

S. 457

To amend the Higher Education Act of 1965 to establish a scholarship program for educators of rural students and provide for loan forgiveness for rural educators, to amend the Elementary and Secondary Education Act of 1965 to provide professional development grants for rural elementary schools and secondary schools, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2017

Mr. TESTER (for himself, Mr. FRANKEN, and Mr. Kaine) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Higher Education Act of 1965 to establish a scholarship program for educators of rural students and provide for loan forgiveness for rural educators, to amend the Elementary and Secondary Education Act of 1965 to provide professional development grants for rural elementary schools and secondary schools, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Rural Educator Sup-
3 port and Training Act” or the “REST Act”.

4 **TITLE I—STUDENT ASSISTANCE**
5 **Subtitle A—Scholarships for the**
6 **Study of Education and School**
7 **Administration**

8 **SEC. 101. SCHOLARSHIP PROGRAMS FOR EDUCATORS OF**
9 **RURAL STUDENTS.**

10 Part B of title II of the Higher Education Act of
11 1965 (20 U.S.C. 1031 et seq.) is amended by adding at
12 the end the following:

13 **“Subpart 6—Rural Educator Scholarship Program**
14 **“SEC. 259. PURPOSE; DEFINITION OF BUREAU-FUNDED**
15 **SCHOOL.**

16 “(a) PURPOSE.—The purpose of this subpart is to
17 provide a more stable base of education professionals to
18 serve in rural public elementary schools and secondary
19 schools, local educational agencies, and State educational
20 agencies.

21 “(b) BUREAU-FUNDED SCHOOL.—In this subpart,
22 the term ‘Bureau-funded school’ has the meaning given
23 the term in section 1141 of the Education Amendments
24 of 1978 (25 U.S.C. 2021).

1 **“SEC. 259A. TERMS AND CONDITIONS OF CONTRACTS FOR**
 2 **SCHOLARSHIP GRANTS.**

3 “(a) IN GENERAL.—Unless otherwise specified, a
 4 scholarship grant under this subpart shall have the terms
 5 and conditions described in this section.

6 “(b) CONTENTS OF CONTRACT.—

7 “(1) IN GENERAL.—The written contract be-
 8 tween the Secretary and the individual receiving a
 9 scholarship grant under this subpart shall contain
 10 the following:

11 “(A) A statement that the Secretary
 12 agrees to provide the individual with a scholar-
 13 ship in accordance with section 259B or 259C,
 14 as the case may be.

15 “(B) A statement that the individual
 16 agrees—

17 “(i) to accept the relevant scholarship
 18 under this subpart;

19 “(ii) to maintain enrollment in the
 20 course of study for which the scholarship
 21 was awarded until the individual completes
 22 the course of study;

23 “(iii) while enrolled in such course of
 24 study, to maintain an acceptable level of
 25 academic standing (as determined by the
 26 Secretary, taking into account the require-

ments of the institution of higher education offering such course of study); and

“(iv) to serve, through full-time employment at an eligible school or eligible service employer (as described under section 259B or 259C, as the case may be), for a time period (referred to in this section as the ‘period of obligated service’) equal to the greater of—

“(I) 1 year for the equivalent of each school year for which the individual was provided a scholarship under this subpart; or

“(II) 3 years.

“(C) A statement of the damages to which the United States is entitled, under subsection (d), for the individual’s breach of the contract.

“(D) Any other relevant statements of the rights and liabilities of the Secretary and of the individual, in accordance with the provisions of this subpart.

“(2) PERIOD OF OBLIGATED SERVICE.—

“(A) IN GENERAL.—The recipient of a scholarship grant under this subpart shall be

1 required to carry out a period of obligated serv-
2 ice, as described in paragraph (1)(B)(iv).

3 “(B) DEFERMENT.—

4 “(i) IN GENERAL.—At the request of
5 an individual who has entered into a con-
6 tract described in this subsection, the Sec-
7 retary shall grant a deferment for the pe-
8 riod of obligated service of such individual
9 under such contract for any of the fol-
10 lowing reasons:

11 “(I) ADVANCED STUDY.—For ad-
12 vanced study to enable such individual
13 to complete a course of study leading
14 to an advanced degree in elementary
15 or secondary education or school ad-
16 ministration, or needed to become cer-
17 tified by a State or Indian tribe to
18 teach, for an appropriate period (in
19 years, as determined by the Sec-
20 retary).

21 “(II) FAMILY AND MEDICAL
22 LEAVE.—For family or medical leave
23 for a period in alignment with section
24 102 of the Family and Medical Leave

1 Act of 1993 (29 U.S.C. 2612) and as
2 approved by the Secretary.

3 “(III) MILITARY SERVICE.—If
4 the individual is a member of the Na-
5 tional Guard or other reserve compo-
6 nent of the Armed Forces of the
7 United States, or a member of such
8 Armed Forces in a retired status, and
9 such individual is called or ordered to
10 active duty (as defined in section
11 101(d)(1) of title 10, United States
12 Code), such individual shall be eligible
13 for a deferment during the period of
14 active duty and for an appropriate pe-
15 riod (as determined by the Secretary)
16 after returning from active duty.

17 “(ii) CONDITIONS OF DEFERMENT.—
18 A deferment granted under clause (i) shall
19 be subject to the following conditions:

20 “(I) The deferment period shall
21 not be counted as satisfying any pe-
22 riod of obligated service that is re-
23 quired under this section.

1 “(II) The period of obligated
 2 service of the individual shall com-
 3 mence at the later of—

4 “(aa) 90 days after the com-
 5 pletion of the deferment period;

6 “(bb) the commencement of
 7 the first school year at the school
 8 where the individual has been
 9 hired that begins after the com-
 10 pletion of the deferment; or

11 “(cc) a date specified by the
 12 Secretary.

13 “(C) PART-TIME STUDY.—In the case of
 14 an individual receiving a scholarship under this
 15 subpart who is enrolled part-time in an ap-
 16 proved course of study—

17 “(i) a scholarship under this subpart
 18 shall be for a period of years not to exceed
 19 the part-time equivalent of 4 years, as de-
 20 termined by the Secretary;

21 “(ii) the period of obligated service
 22 shall be equal to the greater of—

23 “(I) 1 year for the equivalent of
 24 each full-time academic year for which
 25 the individual was provided a scholar-

1 ship (as determined by the Secretary
 2 by adding the fractions of a full-time
 3 academic year that each period of
 4 part-time attendance comprises); or

5 “(II) 3 years; and

6 “(iii) the amount of the monthly sti-
 7 pend specified in subsection (c) shall be re-
 8 duced pro rata, as determined by the Sec-
 9 retary, based on the number of hours of
 10 study in which such individual is enrolled.

11 “(c) SCHOLARSHIP.—

12 “(1) IN GENERAL.—A scholarship provided to a
 13 student under this subpart for a school year shall
 14 equal the amount of—

15 “(A) the tuition of the student;

16 “(B) all other reasonable educational ex-
 17 penses incurred by the student in such school
 18 year, including fees, books, laboratory expenses,
 19 and other expenses as determined by the Sec-
 20 retary; and

21 “(C) a stipend of \$800 per month (ad-
 22 justed in accordance with paragraph (3)) for
 23 each of the 12 consecutive months beginning
 24 with the first month of such school year.

1 “(2) PAYMENT TO AN INSTITUTION OF HIGHER
 2 EDUCATION.—The Secretary may contract with an
 3 institution of higher education in which a participant
 4 in the scholarship program under this subpart is en-
 5 rolled for the payment to such institution on behalf
 6 of the student of the amounts of tuition and other
 7 reasonable educational expenses described in sub-
 8 paragraphs (A) and (B) of paragraph (1). Payment
 9 to such institution may be made without regard to
 10 subsections (a) and (b) of section 3324 of title 31,
 11 United States Code.

12 “(3) STIPEND.—The amount of the monthly
 13 stipend described in paragraph (1)(C) shall be in-
 14 creased by the Secretary for each school year ending
 15 in a fiscal year beginning after September 30, 2016,
 16 by the amount (rounded to the next highest multiple
 17 of \$1) equal to the amount of such stipend multi-
 18 plied by the percentage adjustment in the rates of
 19 pay under the General Schedule taking effect under
 20 section 5303 of title 5, United States Code, during
 21 the fiscal year in which such school year ends (if
 22 such adjustment is an increase).

23 “(d) LIABILITY; FAILURE TO COMPLETE THE PE-
 24 RIOD OF OBLIGATED SERVICE; REPAYMENT.—

1 “(1) LIABILITY.—An individual who has en-
2 tered into a written contract with the Secretary
3 under this section shall be liable to the United
4 States for the amount that has been paid to, or on
5 behalf of, such individual under the contract, if such
6 individual—

7 “(A) fails to maintain an acceptable level
8 of academic standing in the institution of high-
9 er education in which the individual is enrolled
10 (as determined by the Secretary taking into ac-
11 count the requirements of the institution of
12 higher education offering such course of study);

13 “(B) is dismissed from such institution of
14 higher education for disciplinary reasons;

15 “(C) voluntarily terminates the training in
16 such institution of higher education for which
17 such individual is provided a scholarship under
18 such contract before the completion of such
19 training; or

20 “(D) fails to accept payment, or instructs
21 the institution of higher education in which
22 such individual is enrolled not to accept pay-
23 ment, under this section.

24 “(2) FAILURE TO COMPLETE THE PERIOD OF
25 OBLIGATED SERVICE.—An individual who has en-

1 tered into a written contract with the Secretary
2 under this section may petition the Secretary to
3 delay the date on which the individual would other-
4 wise be required to begin the period of obligated
5 service if such individual has not succeeded in ob-
6 taining employment required by this section. In sup-
7 port of such petition, the individual shall supply
8 such reasonable information as the Secretary may
9 require. The Secretary shall retain full discretion re-
10 garding the decision about whether to grant or de-
11 cline such a delay and to determine the duration of
12 any delay that is granted.

13 “(3) REPAYMENT.—

14 “(A) IN GENERAL.—An individual who has
15 entered into a written contract with the Sec-
16 retary under this section and who is liable for
17 any amount of damages which the United
18 States is entitled to recover under this sub-
19 section shall—

20 “(i) begin payment of such damages
21 to the United States within 1 year of the
22 date of the breach or on such later date as
23 specified by the Secretary; and

1 “(ii) repay the amount of such dam-
2 ages in full following a schedule and by a
3 deadline determined by the Secretary.

4 “(B) RECOVERY OF DAMAGES.—If dam-
5 ages described in subparagraph (A) are delin-
6 quent for 3 months, the Secretary shall, for the
7 purpose of recovering such damages—

8 “(i) utilize collection agencies con-
9 tracted with by the Administrator of the
10 General Services Administration; or

11 “(ii) enter into contracts for the re-
12 covery of such damages with collection
13 agencies selected by the Secretary.

14 “(C) CONTRACTS FOR RECOVERY OF DAM-
15 AGES.—Each contract for recovering damages
16 pursuant to this paragraph shall provide that
17 the contractor will, not less than once every 6
18 months, submit to the Secretary a status report
19 on the success of the contractor in collecting
20 such damages. Section 3718 of title 31, United
21 States Code, shall apply to any such contract to
22 the extent not inconsistent with this subsection.

23 “(4) DEATH.—Upon the death of an individual
24 who receives, or has received, a scholarship under
25 this subpart, any obligation of such individual for

1 service or payment that relates to such scholarship
2 shall be canceled.

3 “(5) WAIVER.—

4 “(A) REQUIRED WAIVER.—The Secretary
5 shall provide for the partial or total waiver or
6 suspension of any obligation of service or pay-
7 ment of a recipient of a scholarship under this
8 subpart, if the Secretary determines that—

9 “(i) it is not possible for the recipient
10 to meet the obligation or make the pay-
11 ment;

12 “(ii) requiring the recipient to meet
13 the obligation or make the payment would
14 result in extreme hardship to the recipient;
15 or

16 “(iii) the enforcement of the require-
17 ment to meet the obligation or make the
18 payment would be unconscionable.

19 “(B) PERMISSIBLE WAIVER.—Notwith-
20 standing any other provision of law, for other
21 good cause shown, the Secretary may waive, in
22 whole or in part, the right of the United States
23 to recover funds made available under this sec-
24 tion.

25 “(6) BANKRUPTCY.—

1 “(A) IN GENERAL.—Subject to subpara-
 2 graph (B), and notwithstanding any other pro-
 3 vision of law, with respect to a recipient of a
 4 scholarship under this subpart, no obligation
 5 for payment may be released by a discharge in
 6 bankruptcy under title 11.

7 “(B) EXCEPTION.—The prohibition de-
 8 scribed in subparagraph (A) shall not apply if—

9 “(i) such discharge is granted after
 10 the expiration of the 5-year period begin-
 11 ning on the initial date on which that pay-
 12 ment is due; and

13 “(ii) the bankruptcy court finds that
 14 the nondischarge of the obligation would be
 15 unconscionable.

16 “(e) APPLICABILITY OF OTHER PROVISIONS.—Not-
 17 withstanding any other provision of law, an individual re-
 18 ceiving a scholarship under this subpart shall continue to
 19 be eligible for any other grant programs and loan forgive-
 20 ness programs for which the individual would otherwise
 21 be eligible.

22 **“SEC. 259B. RURAL STUDENT EDUCATOR SCHOLARSHIP**
 23 **PROGRAM.**

24 “(a) GRANTS AUTHORIZED.—

1 “(1) IN GENERAL.—The Secretary shall provide
 2 to each eligible applicant who is accepted for a schol-
 3 arship under this section with a scholarship grant in
 4 each school year or years for a period during which
 5 such individual is pursuing a course of study in ele-
 6 mentary or secondary education or school adminis-
 7 tration at an institution of higher education.

8 “(2) DESIGNATION.—Scholarships made under
 9 paragraph (1) shall be designated ‘rural student ed-
 10 ucator scholarships’.

11 “(b) ELIGIBILITY.—

12 “(1) IN GENERAL.—The Secretary shall select
 13 which eligible applicants will receive a rural student
 14 educator scholarship under subsection (a).

15 “(2) CRITERIA.—In order to be eligible to re-
 16 ceive a rural student educator scholarship, an indi-
 17 vidual shall—

18 “(A) be accepted for enrollment, or be en-
 19 rolled, as a full-time or part-time student in a
 20 course of study in elementary or secondary edu-
 21 cation or school administration at an institution
 22 of higher education;

23 “(B) submit an application to participate
 24 in the rural educator scholarship program at

1 such time and in such manner as the Secretary
2 shall determine; and

3 “(C) sign and submit to the Secretary, at
4 the time that such application is submitted, a
5 written contract as described in section
6 259A(b), which shall include a commitment to
7 serve through full-time employment at an eligi-
8 ble school for the period of obligated service.

9 “(c) ELIGIBLE SCHOOLS.—An individual shall be
10 considered to be serving, through full-time employment at
11 an eligible school, as required under section
12 259A(b)(1)(B)(iv), if the individual is employed full-time
13 in a public elementary school or secondary school that is
14 served by a local educational agency that is eligible to re-
15 ceive assistance under part B of title V of the Elementary
16 and Secondary Education Act of 1965.

17 “(d) PLACEMENT ASSISTANCE.—The Secretary shall
18 assist the recipient of a rural educator scholarship in
19 learning about placement opportunities in eligible schools
20 by transmitting the name and educational credentials of
21 such recipient to—

22 “(1) State educational agency clearinghouses
23 for recruitment and placement of kindergarten, ele-
24 mentary school, and secondary school teachers and
25 administrators in States receiving assistance under

1 title V of the Elementary and Secondary Education
2 Act of 1965;

3 “(2) elementary schools and secondary schools
4 that are Bureau-funded schools; and

5 “(3) tribal education agencies.

6 **“SEC. 259C. RURAL EDUCATOR GRADUATE FELLOWSHIP**
7 **PROGRAM.**

8 “(a) GRANTS AUTHORIZED.—

9 “(1) IN GENERAL.—The Secretary shall make
10 scholarship grants in accordance with this section to
11 individuals who are enrolled on a full-time or part-
12 time basis in institutions of higher education and
13 pursuing a graduate level course of study in edu-
14 cation or school administration.

15 “(2) DESIGNATION.—Scholarships made under
16 paragraph (1) shall be designated ‘rural educator
17 graduate fellowships’.

18 “(b) ELIGIBILITY.—

19 “(1) IN GENERAL.—The Secretary shall select
20 which eligible applicants will receive a rural educator
21 graduate fellowship under subsection (a).

22 “(2) CRITERIA.—In order to be eligible to re-
23 ceive a rural educator graduate fellowship, an indi-
24 vidual shall—

1 “(A) be accepted for enrollment, or be en-
2 rolled, as a full-time or part-time student in a
3 graduate level course of study in education or
4 school administration at an institution of higher
5 education;

6 “(B) submit an application to participate
7 in the rural educator graduate fellowship pro-
8 gram at such time and in such manner as the
9 Secretary shall determine; and

10 “(C) sign and submit to the Secretary, at
11 the time that such application is submitted, a
12 written contract as described in section 259A,
13 which shall include a commitment to serve
14 through full-time employment at an eligible
15 service employer for the period of obligated
16 service.

17 “(c) ELIGIBLE SERVICE EMPLOYERS.—An individual
18 shall be considered to be serving, through full-time em-
19 ployment at an eligible service employer, as required under
20 section 259A(b)(1)(B)(iv), if the individual is employed
21 full-time in a public elementary school or secondary school
22 that is served by a local educational agency that is eligible
23 to receive assistance under part B of title V of the Elemen-
24 tary and Secondary Education Act of 1965.

1 “(d) PLACEMENT ASSISTANCE.—The Secretary shall
 2 assist the recipient of a rural educator graduate fellowship
 3 in learning about placement opportunities in eligible serv-
 4 ice employers in such manner as the Secretary determines
 5 appropriate.”.

6 **Subtitle B—Loan Forgiveness for** 7 **Rural Educators**

8 **SEC. 111. LOAN FORGIVENESS FOR EDUCATORS TEACHING** 9 **IN RURAL LOCAL EDUCATIONAL AGENCIES.**

10 (a) PART B LOANS.—Section 428J of the Higher
 11 Education Act of 1965 (20 U.S.C. 1078–10) is amend-
 12 ed—

13 (1) in subsection (b)(1), by inserting “subject
 14 to subsection (c)(4),” before “has been employed”;
 15 and

16 (2) in subsection (c), by adding at the end the
 17 following:

18 “(4) ADDITIONAL AMOUNTS FOR TEACHERS IN
 19 RURAL LOCAL EDUCATIONAL AGENCIES.—Notwith-
 20 standing the amount specified in paragraph (1) and
 21 the requirements under subparagraphs (A) and (B)
 22 of subsection (b)(1), the aggregate amount that the
 23 Secretary shall repay under this section shall be not
 24 more than \$17,500 in the case of a borrower who
 25 has been employed as a full-time teacher for 5 con-

1 secutive complete school years in a public elementary
 2 school or secondary school that is served by a local
 3 educational agency that is eligible to receive assist-
 4 ance under part B of title V of the Elementary and
 5 Secondary Education Act of 1965.”.

6 (b) PART D LOANS.—Section 460 of the Higher Edu-
 7 cation Act of 1965 (20 U.S.C. 1087j) is amended—

8 (1) in subsection (b)(1), by inserting “subject
 9 to paragraphs (4) and (5) of subsection (c),” before
 10 “has been employed”; and

11 (2) in subsection (c), by adding at the end the
 12 following:

13 “(4) ADDITIONAL AMOUNTS FOR TEACHERS IN
 14 RURAL LOCAL EDUCATIONAL AGENCIES.—Notwith-
 15 standing the amount specified in paragraph (1) and
 16 the requirements under subparagraphs (A) and (B)
 17 of subsection (b)(1), the aggregate amount that the
 18 Secretary shall cancel under this section shall be not
 19 more than \$17,500 in the case of a borrower who
 20 has been employed as a full-time teacher for 5 con-
 21 secutive complete school years in a public elementary
 22 school or secondary school that is served by a local
 23 educational agency that is eligible to receive assist-
 24 ance under part B of title V of the Elementary and
 25 Secondary Education Act of 1965.”.

1 **TITLE II—INSTITUTIONAL AID**

2 **SEC. 201. NATIONAL BOARD CERTIFICATION INCENTIVE**
 3 **PROGRAM.**

4 Part B of title V of the Elementary and Secondary
 5 Education Act of 1965 (20 U.S.C. 7341 et seq.) is amend-
 6 ed by adding at the end the following:

7 **“Subpart 4—National Board Certification Incentive**
 8 **Program**

9 **“SEC. 5241. NATIONAL BOARD CERTIFICATION INCENTIVE**
 10 **PROGRAM.**

11 “(a) PURPOSES.—The purposes of this section are—

12 “(1) to improve the skills of qualified individ-
 13 uals who teach rural students;

14 “(2) to provide an incentive for qualified teach-
 15 ers to continue to utilize their enhanced skills in ele-
 16 mentary schools and secondary schools serving rural
 17 communities; and

18 “(3) to increase the retention of highly skilled
 19 teachers in rural elementary schools and secondary
 20 schools.

21 “(b) DEFINITIONS.—In this section:

22 “(1) ELIGIBLE EDUCATORS.—The term ‘eligible
 23 educator’ means a teacher who teaches in a public
 24 elementary school or secondary school that is served

1 by a local educational agency that is eligible to re-
2 ceive assistance under this part.

3 “(2) ELIGIBLE ENTITIES.—The term ‘eligible
4 entity’ means—

5 “(A) a State educational agency that is eli-
6 gible to receive assistance under this part, in
7 consortium with an institution of higher edu-
8 cation;

9 “(B) a local educational agency that is eli-
10 gible to receive assistance under this part, in
11 consortium with an institution of higher edu-
12 cation; or

13 “(C) an Indian tribe or organization, in
14 consortium with a local educational agency that
15 is eligible to receive assistance under this part
16 and an institution of higher education.

17 “(3) INDIAN TRIBE.—The term ‘Indian tribe’
18 has the meaning given the term in section 4 of the
19 Indian Self-Determination and Education Assistance
20 Act.

21 “(c) PROGRAM AUTHORIZED.—The Secretary is au-
22 thorized to award grants to eligible entities having applica-
23 tions approved under this section to enable such eligible
24 entities to—

1 “(1) reimburse eligible educators for out-of-
2 pocket costs associated with obtaining teacher cer-
3 tification or credentialing by the National Board for
4 Professional Teaching Standards; and

5 “(2) provide an increase in annual compensa-
6 tion, in an amount equal to not less than \$5,000
7 and not more than a \$10,000, for eligible educators
8 with a certification from the National Board for
9 Professional Teaching Standards for the duration of
10 the grant under this section.

11 “(d) APPLICATION.—Each eligible entity desiring a
12 grant under this section shall submit an application to the
13 Secretary at such time, in such manner, and accompanied
14 by such information, as the Secretary may reasonably re-
15 quire.

16 “(e) AWARDING OF GRANTS.—

17 “(1) IN GENERAL.—In awarding grants under
18 this section, the Secretary shall determine the
19 amount and length of each grant, which shall be for
20 an initial period of not more than 5 years.

21 “(2) EXTENSION.—The Secretary may extend
22 an initial grant period under paragraph (1) for an
23 additional period of not more than 5 years, which
24 amount shall be used to provide an increase in an-
25 nual compensation described in subsection (c)(2) for

1 educators who obtained certification or credentialing
 2 during the initial grant period.

3 “(f) RESTRICTIONS ON COMPENSATION IN-
 4 CREASES.—The Secretary shall require and ensure that
 5 individuals who obtain a certification from the National
 6 Board for Professional Teaching Standards under this
 7 section continue to teach at a school served by the eligible
 8 entity through which funding for such certification was ob-
 9 tained as a condition of receiving annual compensation in-
 10 creases provided for in this section.

11 “(g) PROGRESS REPORTS.—

12 “(1) IN GENERAL.—For every year for which
 13 Congress appropriates funds for grants under this
 14 section, the Secretary shall provide a report on the
 15 progress of the eligible entities receiving grants
 16 under this section in meeting applicable progress
 17 standards, as determined by the Secretary.

18 “(2) DISSEMINATION.—The Secretary shall dis-
 19 seminate the report described in this subsection to
 20 each of the following:

21 “(A) The Committee on Health, Edu-
 22 cation, Labor, and Pensions of the Senate.

23 “(B) The Committee on Education and the
 24 Workforce of the House of Representatives.”.

○